

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re TRANS UNION CORP. PRIVACY
LITIGATION

) Lead Case No. 00 C 4729

) MDL Docket No. 1350

This Document Relates To:

) Judge Robert W. Gettleman

ALL ACTIONS.

) Magistrate Judge Michael T. Mason
)

**PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF
PROPOSED CLASS ACTION SETTLEMENT**

Pursuant to Rule 23(e) of the Federal Rules of Civil Procedure, the Plaintiffs, by and through Lead Counsel, move for an Order preliminarily approving a proposed settlement with the Defendants in these consolidated class actions (collectively the "Actions"). In support of this motion, Plaintiffs state as follows:

1. In a Settlement Conference that was supervised by the Magistrate Judge, the MDL Plaintiffs reached agreement on a proposed settlement with the Defendants (the "Proposed Settlement"). The Proposed Settlement would resolve all of the claims pending in the Actions. The Proposed Settlement requires the Defendants to make changes to certain business practices, pay cash into a settlement fund, and to provide products and services to consumers. A copy of the Stipulation of Settlement is attached hereto as Exhibit A, which memorializes the Proposed Settlement. For the reasons that Plaintiffs set forth in their accompanying Memorandum of Law, the Court should grant the request for preliminary approval of the Proposed Settlement.

2. The Proposed Settlement would involve the certification of a Plaintiff Settlement Class, defined as follows:

All consumers who had an open credit account or an open line of credit from a credit grantor located in the United States during the period January 1, 1987 to the present. Excluded from the class are (a) defendants and their predecessors, affiliates, subsidiaries, officers, directors and employees; (b) counsel for any of the parties in these Actions, and (c) any and all judges and justices assigned to hear any aspect of the Actions, along with the spouses of the foregoing and any children residing in their households.

For the reasons set forth in the accompanying Memorandum of Law, Plaintiffs request that the Court provisionally certify the above class, solely for the purposes of the Proposed Settlement.

3. The Proposed Settlement also contemplates that the parties would provide notice of the Proposed Settlement to the above-referenced class, pursuant to Rule 23(e)(1)(B), so that members of that class would have an opportunity to be heard in connection with the Proposed Settlement. The parties have developed a notice program involving publication notice in a number of publications, notices that Trans Union will provide to its customers as "consumer disclosures" in the course of its business, notice via an internet website, and notice via a toll-free telephone number. A description of the notice program and an analysis of its effectiveness is found in the Notice Plan (Exhibit B). Copies of the notice forms, and samples of the website and call-in systems, are found at Exhibits C-H. For the reasons set forth in the Notice Plan, and for the reasons set forth in the accompanying Memorandum of Law, the Court should approve the Notice Plan as reasonable under Rule 23(e)(1)(B) and should direct notice to the class members pursuant to that Notice Plan.

4. Plaintiffs further request that the Court schedule a Fairness Hearing, and set a schedule for written submissions in advance of that Fairness Hearing, so that class members may be heard on the Proposed Settlement, and so that the Court may consider whether the Proposed Settlement is fair, reasonable and adequate under Rule 23(e)(1)(C).

5. In connection with the Proposed Settlement, the following materials are attached to this Motion:

<u>Exhibit</u>	<u>Description</u>
A	Stipulation of Settlement
B	Proposed Notice Plan (dated September 25, 2006)
C	Notice of Proposed Settlement (Short Form)
D	Notice of Proposed Settlement (Long Form)
E	Notice of Proposed Settlement (Consumer Disclosure Version)
F	Sample of Website for Class Members Access to the Notice
G	Sample of Script for Automated Toll-Free Telephone System for Providing Access to Notice
H	Claim Form
I	Plaintiffs' Proposed Form of Order for Granting Preliminary Approval to Proposed Settlement

6. For the reasons set forth in their accompanying Memorandum of Law, Plaintiffs request that the Court enter an Order preliminarily approving the Proposed Settlement, in a form substantially similar to the Draft Order that is attached as Exhibit I.

WHEREFORE, Plaintiffs seek an Order:

- (a) Preliminarily approving the Proposed Settlement, as set forth in the Stipulation (Exhibit A);
- (b) Conditionally certifying the Plaintiff Settlement Class, as defined above, solely for the purposes of the Proposed Settlement; and
- (c) Approving the Proposed Notice Plan (Exhibit B), the forms of the notice to the class members (Exhibits C through E), and the Claim Form (Exhibit H), and directing that notice be given to the class pursuant to the Proposed Notice Plan;

- (d) Setting dates for written submissions, and for a Final Hearing, on whether to approve the Proposed Settlement under Rule 23(e)(1)(C) of the Federal Rules of Civil Procedure; and
- (d) Granting such other relief as the Court deems just and proper.

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Joy Ann Bull
William J. Doyle II
LERACH COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
655 West Broadway, Suite 1900
San Diego, CA 92101
Telephone: 619/231-1058

Co-Lead Counsel for Plaintiffs

Jon W. Borderud
THE BORDERUD LAW GROUP
11620 Wilshire Blvd., Suite 400
Los Angeles, CA 90025
Telephone: 310/207-2848

Co-Lead Counsel for Plaintiffs

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Matthew Righetti", with a stylized flourish at the end.

Matthew Righetti
RIGHETTI WYNNE, P.C.
456 Montgomery Street, Suite 1400
San Francisco, CA 94104
Telephone: 415/983-0900

Co-Lead Counsel for Plaintiffs

Terry Rose Saunders
Thomas A. Doyle
SAUNDERS & DOYLE
20 South Clark Street, Suite 1720
Chicago, IL 60603
Telephone: 312/551-0051

Liaison Counsel for Plaintiffs